



~~June 15, 2004 CPC~~
July 28, 2004 BS

STAFF'S
REQUEST ANALYSIS
AND
RECOMMENDATION

04SR0250

Douglas J. and Deborah A. Hackman

Dale Magisterial District
West line of Newbys Bridge Road

REQUEST: Renewal of Conditional Use Planned Development (Case 03SR0100) to permit office use and exceptions to Ordinance requirements in an Agricultural (A) District.

PROPOSED LAND USE:

In 2002, the applicants were granted renewal of a Conditional Use Planned Development (Case 03SR0100) to operate home health care offices within the existing residential and accessory structures for an additional period of eighteen (18) months. Renewal of this Conditional Use Planned Development is requested for an additional eighteen (18) months.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL AND ACCEPTANCE OF THE PROFFERED CONDITIONS ON PAGES 2 AND 3.

STAFF RECOMMENDATION

Recommend denial for the following reasons:

- A. The proposed zoning and land use do not conform with the Central Area Plan, which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre.
- B. The applicants have secured and zoned other property on which to relocate this business. Renewal of this Conditional Use Planned Development in 2002 for a period

of eighteen (18) months was approved in an effort to afford the applicants appropriate time in which to receive the necessary plan and permitting approvals at this new location and transfer this operation to the new site. The applicants have failed to diligently pursue this relocation.

- C. The proposed land use and zoning do not conform to existing and anticipated area residential development.
- D. This proposal represents commercial encroachment into a single family residential area. Approval of this request could establish a precedent for similar non-residential development along this portion of Newbys Bridge Road.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER(S) MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

PROFFERED CONDITIONS

- (CPC) 1. This Conditional Use Planned Development shall be granted for a period not to exceed eighteen (18) months from the date of approval. This Conditional Use Planned Development shall be granted to and for Douglas J. and Deborah A. Hackman, or to an entity in which at least one of them owns a controlling interest, and shall not be transferable nor run with the land. (P)
- (CPC) 2. This Conditional Use Planned Development shall be limited to a home health care administrative office use. A maximum of seventeen (17) employees shall maintain offices on the Property at any one time and a maximum of twenty (20) employees shall be permitted on the Property at any one time. Provided, however, a maximum of two (2) company functions may occur on the Property during any one (1) calendar year where more than twenty (20) persons are on the Property at any one time. (P)
- (CPC) 3. No clients shall be treated or consulted on the Property. No retail or wholesale sales shall be conducted on the Property. (P)
- (CPC) 4. Operation of this Conditional Use Planned Development shall be limited to the buildings noted on the plan as Barn/Office, House/Office and Office entitled, "Freedom Inc., 5418 Newbys Bridge Road Chesterfield Co., Virginia" and dated June 4, 2001 (the "Plan"). There shall be no additions or exterior alterations to these structures to accommodate this use except those required by the Virginia Uniform Statewide Building Code (VAUSBC). Such uses shall occupy no more than 5,000 square feet of gross floor area. (BI)

- (CPC) 5. For any function attended by fifty (50) or more persons, a minimum of one (1) portable toilet for each one hundred (100) persons in attendance shall be provided on the Property. (H)
- (CPC) 6. All uses shall be conducted entirely within enclosed buildings, except for accessory automobile parking and functions where more than twenty (20) persons may be located on the Property at any one time, as described in Proffered Condition 2. (P)
- (CPC) 7. Business hours shall be limited to Monday through Friday from 7 a.m. to 8 p.m. (P)
- (CPC) 8. Loading areas, loading docks and drives-in loading doors shall be prohibited. (P)
- (CPC) 9. There shall be no exterior lighting other than security lighting which shall comply with Section 19-573 of the Zoning Ordinance and shall not exceed a height of twelve (12) feet. The amount of security lighting shall be approved by the Planning Department. (P)
- (CPC) 10. With the exception of six (6) parking spaces which may be located in front of the "Barn/Office" building as noted in the "Plan", all parking shall be located behind buildings as generally depicted on the "Plan". (P)
- (CPC) 11. There shall be no visible signage from Newbys Bridge Road that identifies the use. (P)
- (CPC) 12. Direct access from the Property to Newbys Bridge Road shall be limited to one (1) existing entrance/exit. Any relocation of this access shall be approved by the Transportation Department. (T)

GENERAL INFORMATION

Location:

West line of Newbys Bridge Road, south of Sunnygrove Road. Tax IDs 758-681-2847 and Part of 4279 (Sheet 17).

Existing Zoning:

A

Size:

7.2 acres

Existing Land Use:

Home health care offices

Adjacent Zoning and Land Use:

North and South – A and A with Conditional Use; Single family residential, public/semi-public (Friendship Baptist Church) or vacant

East - R-9, R-15 and A; Single family residential or vacant

West - A, R-15 and R-12; Single family residential or vacant

UTILITIES

Public Water System:

There is an existing thirty (30) inch transmission water line that extends across Newby's Bridge Road and continues within an easement across this site. The request site is connected to the public water system for domestic water use only. This renewal request will have not impact on use of the public water system.

Public Wastewater System:

The public wastewater system is not available to the request site.

Private Septic System:

The "Barn/Office" and "Office" buildings shown on the "Plan" submitted with the application do not have a separate approved septic tank/drainfield system. These structures are connected to the system which was originally installed to serve the single family dwelling and has now been converted to office use. The existing system was built for residential, not office purposes.

With limitations, the system is adequate to serve the uses proposed. For those functions which allow more than fifty (50) persons on the property at any one (1) time, portable toilets would be provided for each 100 persons in attendance. (Proffered Condition 5)

ENVIRONMENTAL

Drainage and Erosion:

This request will have minimal impact on environmental engineering issues.

PUBLIC FACILITIES

Fire Service:

The property is currently served by the Airport Fire/Medic Station, Company 15. Although public water is available for domestic use, it is not available for fire suppression purposes. As a result, the time for the Fire Department to obtain an adequate water supply may adversely affect fire suppression operations. The applicants have installed a dry hydrant on the property to provide a water supply for firefighting.

Transportation:

In July 2001, the Board of Supervisors approved a Conditional Use Planned Development (CUPD) (Case 01SN0168) for one (1) year to permit office use on the property. As part of that approval, the Board accepted several proffers that included development limitations, access control and right of way dedication along Newbys Bridge Road. The applicant is requesting renewal of that previously approved CUPD for an additional eighteen (18) months, and has again proffered many of the same conditions.

The applicant has proffered a maximum density of 5,000 square feet (Proffered Condition 4). Based on general office trip rates, development could generate approximately 130 average daily trips. These vehicles will be distributed along Newbys Bridge Road, which had a 2003 traffic count of 2,624 vehicles per day. Sections of this road have twenty (20) foot wide pavement with no shoulders, and substandard vertical and horizontal alignments. The standard typical section for this road should be twenty-four (24) foot wide pavement, with minimum eight (8) foot wide shoulders.

Included in the Virginia Department of Transportation (VDOT) Six Year Secondary Road Improvement Plan are two (2) projects to reconstruct Newbys Bridge Road. The first project involves improving the curve on Newbys Bridge Road at Dortonway Drive and construction is anticipated to begin in Spring 2006. The second project involves the reconstruction of Newbys Bridge Road as a two (2) lane facility from Walmsley Boulevard to Falling Creek. The design of this project is anticipated to begin in 2007.

The Thoroughfare Plan identifies Newbys Bridge Road as a major arterial with a recommended right of way width of ninety (90) feet. In accordance with Proffered Condition 13 of Case 01SN0168, the applicant has dedicated forty-five (45) feet of right of way along a revised centerline for Newbys Bridge Road.

Access to major arterials, such as Newbys Bridge Road, should be controlled. The applicant has proffered that direct access from the property to Newbys Bridge Road will be limited to one (1) entrance/exit (Proffered Condition 12). Due to its horizontal and vertical alignment, sight distance along Newbys Bridge Road is limited. As part of developing the property, the applicant provided a new access onto Newbys Bridge Road at a location where adequate sight distance is available.

LAND USE

Comprehensive Plan:

Lies within the boundaries of the Central Area Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre.

Area Development Trends:

Area properties to the west and east are characterized by residential and agricultural zonings and are occupied by the Newbys Wood, Jacobs Court and Ashley Grove Subdivisions, single family development on acreage parcels or are vacant. The area properties to the north and south are characterized by agricultural zoning with large acreage parcels occupied by single family residences or are vacant. It is anticipated that residential development will continue in this immediate area, consistent with the recommendations of the Central Area Plan.

Zoning and Site Plan History:

The applicants had been operating their home health care offices without the requisite Conditional Use, but subsequently filed their application upon receiving notice of this violation from the County (Case 01SN0168). Staff recommended denial of the request as the use did not conform with the Central Area Plan; represented commercial encroachment into a single family residential area; and could set a precedent for additional non-residential development along this portion of Newbys Bridge Road. On June 19, 2001, the Planning Commission recommended approval of the request for a period of one (1) year to allow the applicants time to proceed with the relocation of their business to an appropriately zoned property. On July 25, 2001, the Board of Supervisors approved this Conditional Use Planned Development subject to the conditions as recommended by the Commission.

On July 24, 2002, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the applicants' request for rezoning of 24.4 acres from Agricultural (A) to Light Industrial (I) with Conditional Use Planned Development, on property located at the southeast quadrant of the intersection of Newbys Bridge Road and Hagood Lane (Case 02SN0171). The applicants propose to develop a corporate office park within which to relocate their home health care business.

On October 23, 2002, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved the renewal of Case 01SN0168 for an additional eighteen (18) months to provide time to receive the necessary plan and permitting approvals at the new location and transfer this operation to that site at Newbys Bridge and Hagood Lane. (Case 03SR0100)

On January 28, 2003, site plans were submitted to the County for development of the home health care offices at the new location. Two (2) subsequent resubmittals of this plan were made based upon County review comments. Revisions to the plans were last requested by

staff on June 13, 2003. To date, the applicants have not resubmitted plans for County review based upon these June, 2003, comments.

Uses:

The applicants have proffered that the Conditional Use Planned Development would be limited to a home health care administrative office use with no retail or wholesale sales. No clients would be treated or consulted on the property (Proffered Conditions 2 and 3). Proffered Condition 2 would limit the number of employees who maintain offices on the property at any one (1) time to seventeen (17) and limit the number of employees on the site at any one (1) time to a maximum of twenty (20) except during social functions which would be limited to two (2) during any calendar year. This use would be granted for eighteen (18) months from the date of approval and for the applicants or an entity in which at least one (1) of the applicants has a controlling interest (Proffered Condition 1). The applicants have agreed to limit the hours of operation (Proffered Condition 7) and that no signage identifying this use will be visible from Newbys Bridge Road. (Proffered Condition 11)

Site Design:

With approval of this request, development should conform to the applicants' proffered conditions and Textual Statement (attached). The subject property is a 7.2 acre portion of two (2) parcels totaling approximately 17.9 acres. A plan submitted with the application depicts a "House/Office", "Barn/Office" and "Office", which have been converted to office space for the home health care operation. The applicant has proffered to limit the operation of this business to these existing structures, not to exceed a total area of 5,000 gross square feet (Proffered Condition 4), with all uses, except parking and company functions attended by more than twenty (20) persons, to be located within these buildings. (Proffered Condition 6)

An exception to the Zoning Ordinance requirements was previously granted relative to the number of parking spaces provided and the paving of parking areas. Specifically, the Zoning Ordinance requires one (1) space for every 200 gross square feet of building area whereas the applicants have provided one (1) parking space for every 230 gross square feet of building area. Further, in lieu of paving, the applicants' driveway and parking areas are surfaced with a minimum of six (6) inches of No. 21 or No. 21A stone. The applicants are requesting these same exceptions through this renewal process (Textual Statement 1 and 2). Parking areas are to be located as generally depicted on the "Plan" with the majority of such spaces located behind the existing buildings. (Proffered Condition 10)

Architectural Treatment:

As previously noted, the applicant has indicated the operation will be limited to the buildings noted on the "Plan". Proffered Condition 4 prohibits additions and exterior alterations to the buildings except which may be necessary to comply with Virginia Uniform Statewide Building Code (VAUSBC).

Buffers; Screening; and Lighting:

Currently, the Zoning Ordinance requires that solid waste storage areas (i.e., dumpsters, garbage cans, trash compactors, etc.) be screened from view of adjacent property and public rights of way by a solid fence, wall, dense evergreen planting or architectural feature, be separated from any residentially zoned property or any property being used for residential purposes by the principal building, and that such area within 1,000 feet of any residentially zoned property or property used for residential purpose not be serviced between the hours of 9:00 p.m. and 6:00 a.m.

Proffers have been submitted prohibiting loading areas, loading docks and drive-in loading doors and to limit the amount of exterior lighting. (Proffered Conditions 8 and 9)

CONCLUSIONS

The proposed zoning and land use do not conform to the Central Area Plan which suggests the property is appropriate for residential use of 1.0 to 2.5 dwelling units per acre. One (1) of the goals of the Plan is to preserve and protect stable neighborhoods through the provision of appropriate transition between existing and future residential development of higher intensity uses. Further, the proposed land use and zoning do not conform to existing and anticipated area residential development. Non-residential uses adjacent to established subdivision developments may set a precedent for similar non-residential growth in conflict with the Plan and create compatibility problems between residential and non-residential uses.

Further, the applicants have secured other property on which to relocate this business. Renewal of this Conditional Use Planned Development in 2002 for a period of eighteen (18) months should have afforded the applicants appropriate time in which to receive the necessary plan and permitting approvals at this new location and transfer this operation to the new site. The applicants have failed to diligently pursue these approvals with the last submittal to the County taking place over one (1) year ago in May of 2003.

Given these considerations, denial of this request is recommended.

CASE HISTORY

Planning Commission Meeting (6/15/04):

The applicant accepted the Commission's recommendation, but did not accept staff's recommendation. There was no opposition present.

Mr. Litton noted that the wetlands and water quality issues had been resolved on the relocation site and that site plans for this new site should received approval within three (3) months, permitting relocation of this business.

On motion of Mr. Litton, seconded by Mr. Wilson, the Commission recommended approval of this request and acceptance of the proffered conditions on pages 2 and 3.

AYES: Unanimous.

The Board of Supervisors, on Wednesday, July 28, 2004, beginning at 7:00 p.m., will take under consideration this request.

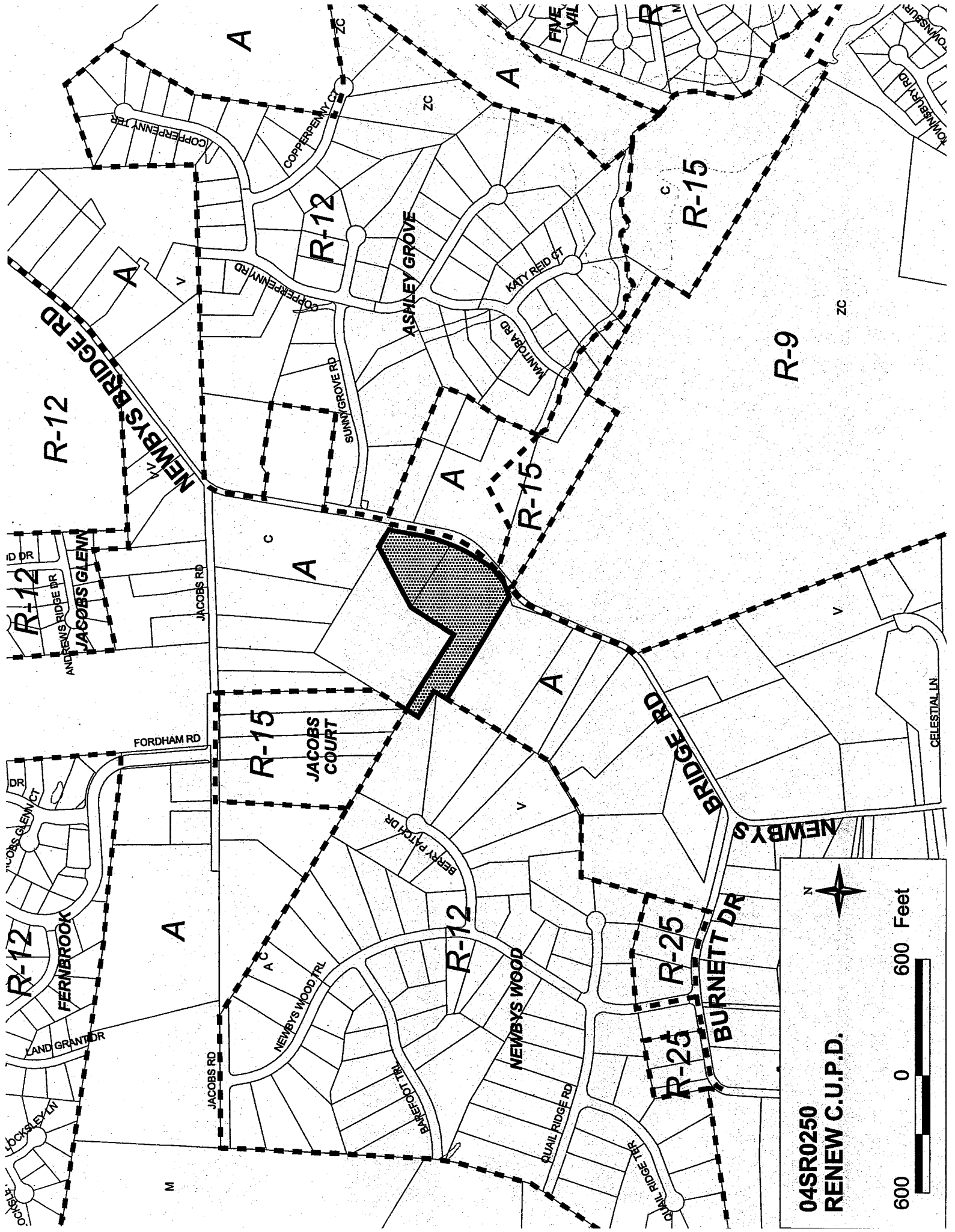
DOUGLAS J. & DEBORAH A. HACKMAN

TEXTUAL STATEMENT

MARCH 12, 2004

This textual statement shall apply to the Property known as Chesterfield County Tax ID/GPIN 758-681-2847 and part of 758-681-4279 (the "Property").

1. Surface Treatment of Parking and Driveway Areas. All driveways and parking areas shall have a minimum surface of six inches of No. 21 or No. 21A stone.
2. Parking. Parking shall be provided based on a ratio of one (1) space for every 230 square feet of gross square footage.



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